

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: SB 56

BR #: 54

DOC ID#: BR005400.100 - 54 - 61

BILL SPONSOR(S): Sen. Parrett AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to driving under the influence and declaring an emergency..

SUMMARY OF LEGISLATION: Amend various sections in KRS Chapter 189A, relating to driving under the influence, to expand the look-back window for prior offenses from five years to 10 years; amend KRS 189A.330 to expand the window for quarterly reporting of pending DUI cases; EMERGENCY.

This ☒ bill ☐ amendment ☐ committee substitute is expected to:

☒ Have the following Corrections impact ☐ Have no Corrections impact

- | | |
|---|--|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input checked="" type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) _____ | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$61.09. Most Class D felons are housed in one of 78 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.92 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: ☐ NONE ☐ MINIMAL ☐ MODERATE ☒ SIGNIFICANT

Potential Impact: Section 1 Expands the Class D felony for driving under the influence from fourth offense within five years to third offense within ten years. Section 3 changes the Class D felony for driving on a revoked or suspended license or without a functioning ignition interlock device when ordered to use one from a third offense within a five year period to a third offense within a ten year period. During the course of CY2014 there were 90 cases in Circuit Courts throughout Kentucky that had a conviction for DUI 3rd offense and 743 cases in District Courts throughout Kentucky with a conviction for DUI 3rd offense. If DUI third-offense convictions were changed to from a Class A misdemeanor to a Class D felony per these provisions, the impact would be significant due to the costs associated with incarceration.

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost \$118,660 to \$600,720.

1 Class D Felon costs Ky. \$11,866 to \$60,072.

100 Class D Felons cost \$1.2M to \$6M.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Potential Impact: Section 1 And Section 5 expand the Class A and Class B misdemeanors for driving under the influence or on a revoked/suspended license or without a functioning ignition interlock device when ordered to use one from within a five year period to within a ten year period.

Based on the \$31.34 per diem rate, the local impact is estimated as follows:

A Class A misdemeanor is 90 days to 1 year in jail

10 Class A misdemeanants: \$29,025 to 117,713.

1 Class B misdemeanor: up to \$2,870.

100 Class A misdemeanants: \$290,250 to \$1.1M.

The following offices contributed to this Corrections Impact Statement:

☒ Dept. of Corrections ☐ Dept. of Kentucky State Police ☐ Administrative Office of the Courts ☐ Parole Board ☐ Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments.

APPROVED BY:

Commissioner, Kentucky Department of Corrections

Date